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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,928	03/10/2004	Mark D. Krymsky	5336-3	3262

7590 03/17/2008  
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EXAMINER
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SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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3723

MAIL DATE	DELIVERY MODE
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03/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,928	<b>Applicant(s)</b> KRYMSKY ET AL.	
	<b>Examiner</b> Theresa T. Snider	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7 and 9-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kern(2,018,791) in view of Nayfa et al.(3,931,662) and Vance(2,898,621).

Kern discloses a similar cleaner however fails to disclose a handle or a universal joint.

Kern discloses a foot portion having an expanded chamber with an intake nozzle and an outlet nozzle, larger in cross section than the intake nozzle (fig. 1, #16, fig. 8, expanded chamber is unnumbered chamber between #48s, 15,40, nozzle with #40).

Kern discloses a managing unit having support wheels (fig. 1, #2,3). Nayfa et al. discloses a cleaner having a managing unit with support wheels and a handle (fig. 2, #11).

It would have been obvious to one of ordinary skill in the art to provide the handle of Nayfa et al. in Kern to allow an operator to guide the travel of the cleaner.

Kern discloses a motor driven fan supported by one of the foot portion and managing unit and connected to the intake and outlet nozzle (fig. 1, #19,20).

Kern discloses means for filtering within the system (page 3, lines 48-49).

Vance discloses a vacuum cleaner with joint between a foot portion and a managing unit that allows the foot portion to float above a surface (fig. 1, #13). It would have been obvious to one of ordinary skill in the art to provide the joint of Vance in Kern in view of Nayfa to allow the foot portion to smoothly travel over an uneven surface.

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With respect to claim 4, Kern discloses the foot portion having a seal around a perimeter thereof (fig. 1, #48).

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kern(2,018,791) in view of Nayfa et al.(3,931,662) and Vance(2,898,621) as applied to claim 1 above, and further in view of JP2001-149277.

Kern in view of Nayfa et al. and Vance disclose a similar cleaner however fails to disclose a centrifugal filter.

JP2001-149277 discloses a cleaner having a centrifugal filter (fig. 1, #19). It would have been obvious to one of ordinary skill in the art to provide the centrifugal filter of JP2001-149277 in Kern in view of Nayfa et al. and Vance to allow for the most effective filtering of the air.

4. Claims 6 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB2338404 in view of Vance(2,898,621).

GB 2338404 discloses a similar vacuum cleaner however fails to disclose a joint between the foot portion and the managing unit.

GB2338404 discloses a foot portion having an expanded chamber with an intake nozzle and an outlet nozzle (fig. 1, #14, expanded chamber is unnumbered chamber between #16 and 14,18,15).

GB2338404 discloses a managing unit having support wheels and a handle (fig. 5, #51, handle being unnumbered structure above #58).

GB2338404 discloses a motor driven fan supported by one of the foot portion and managing unit and connected to the intake and outlet nozzle (fig. 1, #12).

GB2338404 discloses means for filtering within the system (fig. 1, #21).

Vance discloses a vacuum cleaner with joint between a foot portion and a managing unit that allows the foot portion to float above a surface (fig. 1, #13). It would have been obvious to one of ordinary skill in the art to provide the joint of Vance in GB2338404 to allow the foot portion to smoothly travel over an uneven surface.

GB2338404 discloses the expanded chamber is located after the filtering means and overlies and is in direct contact with a floor surface being cleaned (fig. 1, #21,13, expanded chamber is unnumbered chamber between #16 and 14).

With respect to claim 9, GB2338404 discloses the foot portion includes a seal around a perimeter thereof (fig. 1, #16).

With respect to claim 10, GB2338404 discloses the filtering means including a centrifugal filter (page 11, lines 22-25).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB2338404 in view of Vance(2,898,621) as applied to claim 6 above, and further in view of Kern(2,018,791).

GB2338404 in view of Vance disclose a similar cleaner however fails to disclose the outlet nozzle having a cross section larger than the intake nozzle.

Kern discloses a cleaner having an expanded chamber with an intake and an outlet nozzle, wherein the cross section of the outlet nozzle is larger than that of the inlet nozzle (fig. 13, #16,15). It would have been obvious to one of ordinary skill in the art to provide the outlet

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nozzle of GB2338404 in view of Vance with a larger cross section , as disclosed in Kern, to prevent 'blasting' of dirt from the surface and allow for rapid removal of dirt from the surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Theresa T. Snider/  
Primary Examiner, Art Unit 3723

Theresa T. Snider  
Primary Examiner  
Art Unit 3723

3/3/2008